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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS, )  
 CAROLYN JEWEL and ERIK KNUTZEN, on )  
 Behalf of Themselves and All Others Similarly )  
 Situated, )  
 Plaintiffs, )  
 vs. )  
 AT&T CORP., et al. )  
 Defendants. )

No. C-06-00672-VRW  
CLASS ACTION  
 [CORRECTED] DECLARATION OF  
 JAMES S. TYRE IN SUPPORT OF  
 PLAINTIFFS' OPPOSITION TO AT&T  
 INC.'S MOTION TO DISMISS AMENDED  
 COMPLAINT  
 DATE: June 23, 2006  
 TIME: 9:30 a.m.  
 COURTROOM: Hon. Vaughn Walker

1 I, JAMES S. TYRE, hereby declare:

2 1. I am an attorney at law licensed to practice before all California courts and am a  
3 member of the bar of this Court. I am one of the attorneys of record for plaintiffs in this action. I  
4 state all facts herein of my own first hand personal knowledge, and if called as a witness, I could and  
5 would competently testify thereto.

6 2. Cal-Access, located at <http://cal-access.ss.ca.gov/>, is a web site maintained by the  
7 California Secretary of State. Among other things, one can research California lobbying  
8 expenditures at the site, and access documents filed by those spending lobbying money in California.  
9 Attached hereto as Exhibit A and incorporated herein by reference is a true and correct copy of the  
10 Cal-Access report of lobbying activity (as of May 19, 2006) of “AT&T Inc. and its Affiliates,” for  
11 the first five quarters of the 2005 – 2006 California Legislative Session (January 1, 2005 through  
12 March 31, 2006).

13 3. Apparently, one cannot link permanently to Cal-Access search results. To get to the  
14 page represented by Exhibit A, start at <http://cal-access.ss.ca.gov/>. On the left side, click on  
15 “Lobbying Activity,” then “Lobbyist Employers.” Scroll down to “AT&T Inc. and its Affiliates,”  
16 click on that link. Towards the top of the page that will be displayed it says “View.” Tick the  
17 “Financial Activity/Filing History” button. The page that will be displayed will be that represented  
18 by Exhibit A (subject to new information, if any, that may have been added subsequent to when I  
19 printed Exhibit A).

20 4. The first section of Exhibit A, “Lobbying Payments Made,” is a summary of lobbying  
21 expenditures by the lobbyist employer, based on reports by the lobbyist employer required by the  
22 California Government Code. The second section, “Bills and Agencies Lobbied,” shows where the  
23 lobbyist employer directed its efforts, again based on the lobbyist employer reports. The third  
24 section, “Electronic Filings,” lists and provides active hyperlinks to the reports filed by the lobbyist  
25 employer.

26 5. Attached hereto as Exhibit B and incorporated here by reference is a true and correct  
27 copy of AT&T’s amended “Lobbyist Employer Registration Statement,” filed May 17, 2006. As of  
28 May 19, 2006 that is the top listed document in the “Electronic Filings” section of Exhibit A, and the

1 document was accessed by clicking on the hyperlink to the document on the Secretary of State's web  
2 page. Attached hereto as Exhibit C and incorporated here by reference is a true and correct copy of  
3 AT&T's "Lobbying Firm Activity Authorization," filed May 9, 2006. As of May 19, 2006 that is  
4 the second listed document in the "Electronic Filings" section of Exhibit A, and the document was  
5 accessed by clicking on the hyperlink to the document on the Secretary of State's web page.  
6 Attached hereto as Exhibit D and incorporated here by reference is a true and correct copy of  
7 AT&T's "Report of Lobbyist Employer," filed May 1, 2006 for the reporting period January 1, 2006  
8 through March 31, 2006. As of May 19, 2006 that is the third listed document in the "Electronic  
9 Filings" section of Exhibit A, and the document was accessed by clicking on the hyperlink to the  
10 document on the Secretary of State's web page. Attached hereto as Exhibit E and incorporated here  
11 by reference is a true and correct copy of AT&T's "Report of Lobbyist Employer," filed January 31,  
12 2006 for the reporting period October 1, 2005 through December 31, 2005. As of May 19, 2006 that  
13 is the fourth listed document in the "Electronic Filings" section of Exhibit A, and the document was  
14 accessed by clicking on the hyperlink to the document on the Secretary of State's web page.

15 6. AT&T makes available on its web site, www.att.com (which redirects to  
16 http://att.sbc.com/gen/landing-pages?pid=3308), its current and historical (to the beginning of 1996)  
17 news releases. All of the news releases referenced below were obtained from AT&T's website at the  
18 specified web page addresses.

19 7. Though one cannot link permanently to the web page represented by Exhibit A  
20 hereto, the expenditures listed therein are derived from AT&T's five most recent quarterly reports.  
21 Exhibits D and E hereto are the two most recent. Each of the other three is accessible from and  
22 linked to the web page represented by Exhibit A.

23 8. Attached hereto as Exhibit F is a true and correct copy of an AT&T news release  
24 dated January 5, 2006, titled *Ken Mcneely Appointed President-External Affairs for AT&T*  
25 *California*, at http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22019.

26 9. Attached hereto as Exhibit G is a true and correct copy of an AT&T news release  
27 dated March 6, 2006, titled *Angels Fans: What's Your Excuse? AT&T Opening Day of Program*  
28

1 *Provides Fans with a Chance to Win Game Tickets and Prizes*, at [http://att.sbc.com/gen/press-](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22143)  
2 [room?pid=4800&cdvn=news&newsarticleid=22143](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22143).

3 10. Attached hereto as Exhibit H is a true and correct copy of an AT&T news release  
4 dated March 9, 2006, titled *AT&T Announces New Data Services Contract with the City of Folsom*,  
5 at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22156>.

6 11. Attached hereto as Exhibit I is a true and correct copy of an AT&T news release  
7 dated March 15, 2006, titled *AT&T Announces New Contract with the Daughters of Charity Health*  
8 *System*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22168>.

9 12. Attached hereto as Exhibit J is a true and correct copy of an AT&T news release  
10 dated April 3, 2006, titled *AT&T Secures New Seven-Year Contract with Irvine Unified School*  
11 *District*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22193>.

12 13. Attached hereto as Exhibit K is a true and correct copy of an AT&T news release  
13 dated April 10, 2006, titled *AT&T Introduces In-Home Tech Support to Help Consumers with*  
14 *Virtually All Home PC and Networking Needs*, at [http://att.sbc.com/gen/press-](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22210)  
15 [room?pid=4800&cdvn=news&newsarticleid=22210](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22210).

16 14. Attached hereto as Exhibit L is a true and correct copy of an AT&T news release  
17 dated April 12, 2006, titled *AT&T Announces New Contract with Pajaro Valley Unified School*  
18 *District*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22212>.

19 15. Attached hereto as Exhibit M is a true and correct copy of an AT&T news release  
20 dated April 21, 2006, titled *AT&T Announces Addition of Optical Networking Services to Los*  
21 *Angeles County*, at [http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22236)  
22 [22236](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22236).

23 16. Attached hereto as Exhibit N is a true and correct copy of an AT&T news release  
24 dated April 26, 2006, titled *AT&T Introduces Faster-Speed Tier for Consumers at Market-Leading*  
25 *Price*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22243>.

26 17. Attached hereto as Exhibit O is a true and correct copy of an AT&T news release  
27 dated April 28, 2006, titled *AT&T Secures Deal with East West Bank*, at [http://att.sbc.com/gen/press-](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22250)  
28 [room?pid=4800&cdvn=news&newsarticleid=22250](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22250).

1           18.     Attached hereto as Exhibit P is a true and correct copy of an AT&T news release  
2 dated January 26, 2006, titled *AT&T Foundation Awards \$5,000 to Casa of El Dorado for*  
3 *Technology Projects*, at [http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22061)  
4 [22061](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22061).

5           19.     Attached hereto as Exhibit Q is a true and correct copy of an AT&T news release  
6 dated March 14, 2006, titled *Statement of AT&T Indiana Regarding HB 1279 Being Signed into*  
7 *Law*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22167>.

8           20.     Attached hereto as Exhibit R is a true and correct copy of an AT&T news release  
9 dated March 29, 2006, titled *AT&T Ready to Bring Choice and Competition to Cable Subscribers in*  
10 *California*, at <http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22187>.

11           21.     Attached hereto as Exhibit S is a true and correct copy of an AT&T news release  
12 dated April 12, 2006, titled *AT&T Texas, Nortel and Tandberg Team Up with "Extreme Makeover:*  
13 *Home Edition" to Install State-Of-The-Art Communications Systems at Firehouse Damaged by*  
14 *Hurricane Rita*, at [http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22221)  
15 [=22221](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22221).

16           22.     Attached hereto as Exhibit T is a true and correct copy of an AT&T news release  
17 dated April 18, 2006, titled *AT&T Government Solutions Wins \$4.8 Million Contract for LAN*  
18 *Upgrade for Army and Air Force Exchange Services*, at [http://att.sbc.com/gen/press-](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22239)  
19 [room?pid=4800&cdvn=news&newsarticleid=22239](http://att.sbc.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22239).

20           23.     Attached hereto as Exhibit U is a true and correct copy of the AT&T Fact Sheet, last  
21 viewed May 21, 2006, at <http://att.sbc.com/gen/investor-relations?pid=5711>.

22           24.     Attached hereto as Exhibit V is a true and correct copy of the AT&T Diversity and  
23 Inclusion web page, last viewed May 21, 2006, at [http://att.sbc.com/gen/corporate-](http://att.sbc.com/gen/corporate-citizenship?pid=7752)  
24 [citizenship?pid=7752](http://att.sbc.com/gen/corporate-citizenship?pid=7752).

25           25.     Attached hereto as Exhibit W is a true and correct copy of the AT&T Careers web  
26 page, last viewed May 21, 2006, at <http://att.sbc.com/gen/careers?pid=1>.

27           26.     Attached hereto as Exhibit X is a true and correct copy of the AT&T Career  
28 Locations web page, last viewed May 21, 2006, at <http://att.sbc.com/gen/careers?pid=20>.

27. Attached hereto as Exhibit Y is a true and correct copy of the AT&T Management Opportunities web page, last viewed May 21, 2006, at <http://sbc.recruitmax.com/candidate/default.cfm?szWorkgroupID=1>.

28. Attached hereto as Exhibit Z is the web page displayed as a result of a search on May 21, 2006 for AT&T management opportunities in San Francisco. A persistent link to the search results page cannot be maintained. The search was done at the web page listed in the preceding paragraph, by searching for all AT&T management opportunities in San Francisco.

29. Filed concurrently are the respective Declarations of Daniel O'Brien and Adam L. Rubinger. With exhibits – printouts of pages from their respective web sessions – they demonstrate how one can use the AT&T web site to sign up for AT&T local and long distance telephone services (O'Brien) and Internet services (Rubinger). During the sign-up process, each had to input personal information to the web site, such as credit card numbers, social security numbers and home addresses. Under my direction, that personal information has been redacted from the exhibits that will be served and filed. The unredacted exhibits are in the possession of the Electronic Frontier Foundation, and will be made available to the Court or defense counsel on request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of June, 2006, at Culver City, California.

/s/  
JAMES S. TYRE

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on June 6, 2006, I electronically filed the foregoing with the Clerk of the  
3 Court using the CM/ECF system which will send notification of such filing to the e-mail addresses  
4 denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the  
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants  
6 indicated on the attached Manual Notice List.

7 /s/

8 MARIA V. MORRIS

9 LERACH COUGHLIN STOIA GELLER  
10 RUDMAN & ROBBINS LLP  
11 100 Pine Street, Suite 2600  
12 San Francisco, CA 94111  
13 Telephone: 415/288-4545  
14 415/288-4534 (fax)  
15 E-mail:mariam@lerachlaw.com

16 I, Maria V. Morris, am the ECF User whose ID and password are being used to file this  
17 [CORRECTED] DECLARATION OF JAMES S. TYRE IN SUPPORT OF PLAINTIFFS'  
18 OPPOSITION TO AT&T INC.'S MOTION TO DISMISS AMENDED COMPLAINT. In  
19 compliance with General Order 45, X.B., I hereby attest that James S. Tyre has concurred in this  
20 filing.

21 DATE: June 6, 2006

22 /s/

23 MARIA V. MORRIS

24 W:\AT&T Privacy\corrected) DEC00031557\_Tyre.doc  
25  
26  
27  
28

# Mailing Information for a Case 3:06-cv-00672-VRW

## Electronic Mail Notice List

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## Manual Notice List

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